

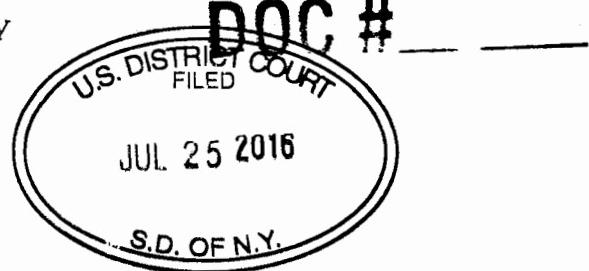
16 MAG 4728

ORIGINAL

Approved:

*Danielle R. Sasso*  
 DANIELLE R. SASOON  
 Assistant United States Attorney

Before: THE HONORABLE RONALD L. ELLIS  
 United States Magistrate Judge  
 Southern District of New York



|                               |                         |
|-------------------------------|-------------------------|
| ----- X                       |                         |
|                               | :                       |
| UNITED STATES OF AMERICA      | :                       |
|                               | <u>SEALED COMPLAINT</u> |
|                               | :                       |
| - v. -                        | :                       |
|                               | Violation of 8 U.S.C.   |
|                               | §§ 1326(a) & (b) (2)    |
| PHILIP JOHNSON,               | :                       |
| a/k/a "Robert Johnson,"       | :                       |
| a/k/a "Andres Gomez,"         | :                       |
| a/k/a "Antoine John Louise,"  | :                       |
| a/k/a "John Louise Anitgine," | :                       |
| a/k/a "Gene Louis,"           | :                       |
| a/k/a "Jean A. Louis,"        | :                       |
| a/k/a "Gene Pepe,"            | :                       |
| a/k/a "Philip Johnson,"       | :                       |
|                               | :                       |
| Defendant.                    | :                       |
|                               | :                       |
| ----- X                       |                         |

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRIAN FIGUEIREDO, being duly sworn, deposes and says that he is a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE

1. From at least on or about July 6, 2016, in the Southern District of New York and elsewhere, PHILIP JOHNSON, a/k/a "Robert Johnson," a/k/a "Andres Gomez," a/k/a "Antoine John Louise," a/k/a "John Louise Anitgine," a/k/a "Gene Louis," a/k/a "Jean A. Louis," a/k/a "Gene Pepe," a/k/a "Philip Johnson," the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, without having obtained the express consent of the Attorney General of the United States or

her successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) and (b) (2).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am an officer with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based upon my review of records maintained by ICE regarding PHILIP JOHNSON, a/k/a "Robert Johnson," a/k/a "Andres Gomez," a/k/a "Antoine John Louise," a/k/a "John Louise Anitgine," a/k/a "Gene Louis," a/k/a "Jean A. Louis," a/k/a "Gene Pepe," a/k/a "Philip Johnson," the defendant, including JOHNSON's criminal history, I have learned, among other things, the following:

a. JOHNSON is a native and citizen of Panama. He is not, and has never been, a citizen of the United States.

b. On or about October 28, 1986, JOHNSON was arrested by the New York City Police Department ("NYPD"), which took JOHNSON's fingerprint impressions (the "1986 impressions"). A record of these impressions is kept in an electronic database managed by the Federal Bureau of Investigation ("FBI").

c. On or about August 17, 1987, JOHNSON was convicted in New York Supreme Court, Kings County, of criminal sale of a controlled substance in the third degree, in violation of New York Penal Law § 220.39 (the "1987 Conviction"). JOHNSON was sentenced to 6 to 12 years' imprisonment.

d. On or about July 21, 1993, JOHNSON was removed from the United States based on a Final Order of Removal served on JOHNSON on or about January 12, 1993.

e. On or about June 17, 2002, JOHNSON was convicted in the United States District Court for the Eastern District of New York of illegal reentry, in violation of 18 U.S.C. § 1326(a) and (b)(2) (the "2002 Conviction"). JOHNSON was sentenced to 68 months' imprisonment and 3 years' supervised release.

f. On or about February 19, 2005, JOHNSON was removed from the United States based on a Final Order of Removal issued by the Board of Immigration Appeals on or about April 7, 2004. Prior to his removal, JOHNSON's fingerprint impressions were taken by ICE (the "2005 impressions"). A record of these impressions is kept in an electronic database managed by the FBI.

g. ICE has performed searches of all ICE indices and confirmed that, following his removal to Panama, JOHNSON never obtained the express consent of the Attorney General of the United States or the Secretary for the Department of Homeland Security to reapply for admission to the United States.

h. On or about July 6, 2016, ICE received a call from the New York City Department of Homeless Services ("DHS") about a possible previously deported alien (later identified as JOHNSON) staying at the Bellevue Men's Shelter in Manhattan. On July 7, 2016, DHS accompanied JOHNSON to the NYPD's 13th Precinct in Manhattan, where he was taken into ICE custody. To establish JOHNSON's identity, ICE used a portable fingerprint scanner that matched JOHNSON's fingerprint impressions to the 1986 and 2005 impressions.

4. Based upon my training and experience with ICE, I understand that the 1987 and 2002 Convictions each qualify as an "aggravated felony" within the meaning of Section 1326(b)(2) of Title 8 of the United States Code.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of PHILIP JOHNSON, a/k/a "Robert Johnson," a/k/a "Andres Gomez," a/k/a "Antoine John Louise," a/k/a "John Louise Anitgine," a/k/a "Gene Louis," a/k/a "Jean A. Louis," a/k/a "Gene Pepe," a/k/a "Philipi Johnson," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



BRYAN FIGUEIREDO  
Deportation Officer  
U.S. Department of Homeland Security

Sworn to before me this  
25th day of July, 2016



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THE HONORABLE RONALD L. ELLIS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK